IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.319 OF 2005

S.S.Enterprises ...Appellant

vs.

Municipal Corporation of
Greater Bombay ...Respondent

CORAM: A.S.OKA,J.
DATE : MARCH 15,2005.

P.C.:

1. This Appeal is filed by unsuccessful Plaintiff. The prayer made for grant of ad-interim relief has been rejected by the Trial court.

2. Apart from recording prima facie finding that material facts have been suppressed by the Appellant, the Trial Court observed that in case of termination of the contract in favour of the Appellant, the Appellant can always recover the damages. The suit filed by the Appellant is not for specific performance of the contract.

3. In view of this position, no fault can be found with the discretionary order passed by the Trial Court. Hence, Appeal is dismissed with no order as to costs.

4. All contentions of the parties in the pending suit are expressly kept open.

JUDGE.